



#3

Attorney's Docket No. \_\_\_\_\_

DECLARATION(ORIGINAL, DESIGN, NATIONAL STAGE OF PCT, SUPPLEMENTAL, DIVISIONAL,  
CONTINUATION OR CIP)

As a below named inventor, I hereby declare that:

This declaration is of the following type: (check one)

 original  
 design

(check one, if applicable)

 national stage of PCT       divisional  
 supplemental       continuation  
                                     continuation-in-part (CIP)

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

## APPARATUS AND METHOD FOR RESECTIONING GASTRO-ESOPHAGEAL TISSUE

the specification of which:

- (a)  is attached hereto.
- (b)  was filed on 1/31/02 as  Serial No. 10/062,760.  
or  Express Mail No., as Serial No. not yet known,  
and was amended on \_\_\_\_\_ (if applicable).
- (c)  was described and claimed in PCT International Application  
No. \_\_\_\_\_ filed on \_\_\_\_\_ and as  
amended under PCT Article 19 on \_\_\_\_\_ (if any).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation in part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation in part application.

## FOREIGN PRIORITY CLAIM

I hereby claim foreign priority benefits under Title 35 U.S.C. §119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application(s) which designated at least one country other than the United States of America, listed below and have also identified below any foreign application(s) for patent or inventor's certificate, or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed.

(complete (d) or (e))

- (d)  no such applications have been filed.
- (e)  such applications have been filed as follows

COUNTRY	APPLICATION NO.	DATE OF FILING (month, day, year)	PRIORITY CLAIMED UNDER 35 USC 119	CERTIFIED COPY ATTACHED?
			<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO

CLAIM FOR BENEFIT OF EARLIER U.S./PCT APPLICATION(S)

[x] I hereby claim the benefit under Title 35, U.S.C. 119(e) of any United States provisional application, or under 35 U.S.C. §120 of any United States application(s) or PCT international application(s) designating the United States of America that are listed below.

U. S. APPLICATIONS

Serial No.	Filing Date	Status
60/265,469	1/31/01	

PCT APPLICATIONS DESIGNATING THE U.S.

PCT Application No.	PCT filing date	U.S. Serial Nos. assigned (if any)	Status (patented, pending, abandoned)

DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 35 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

SIGNATURE(S)

Full name of sole or first inventor James F. McGuckin, Jr.  
Inventor's signature JFM  
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Inventor's signature PWH  
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[ ] Additional inventors are being named on the supplemental additional inventor sheet attached hereto.